able minority hold the infant. *Crandall* v. *Slaid*, 11 Met. (Mass.) 288; *Albee* v. *Winterink*, 55 Ia. 184. Since the next friend is held in the first instance in England, the principal case seems clearly right in allowing this action over against the infant. This is law in America. *Voorhees* v. *Polhemus*, 36 N. J. Eq. 456. If the question were *res integra* it would seem best to hold the infant liable for costs primarily, as he is the real party in interest. The next friend is merely an officer of the court. See *Davies* v. *Lockett*, 4 Taunt. 765; *Klaus* v. *State*, 54 Miss. 644. The objection that the next friend can sue without the infant's consent raises a broad question of policy, whether he should be restrained by imposing liability for costs. He certainly should not be unduly discouraged. *Cross* v. *Cross*, 8 Beav. 455. The infant's interests seem sufficiently guarded by charging the next friend when suits are improper. *Pearce* v. *Pearce*, 9 Ves. Jr. 548; *Campbell* v. *Campbell*, 2 Myl. & C. 25. There is also the additional protection that the court may remove the next friend whenever his conduct appears questionable. *Robinson* v. *Talbot*, 78 S. W. 1108 (Ky.); *Barwick* v. *Rackley*, 45 Ala. 215.

CRIMINAL LAW — APPEAL — SENTENCE INCREASED ON APPEAL. — The Criminal Appeal Act of 1907 provided that on appeal by a prisoner, the higher court might quash the original sentence and pass another sentence warranted in law by the verdict (whether more or less severe). The prisoner appealed from a sentence of twelve years' imprisonment for shooting with intent to murder. *Held*, that the sentence can be increased to fifteen years. *Rex* v. *Simpson*, 74 J. P. 533 (Eng., Ct. Crim. App., Oct. 24, 1910).

Since the English courts have no power to declare unconstitutional an act of Parliament, the decision is unquestionably correct. In this country, such a statute would not deprive the prisoner of liberty without due process of law, for due process does not require any right to appeal. *Andrews* v. *Swartz*, 156 U. S. 272. Nor would it violate constitutional provisions against double jeopardy in those jurisdictions which allow conviction of a crime of higher degree (as murder) on a new trial after an appeal from conviction of a crime of lower degree (as manslaughter). *Trono* v. *United States*, 199 U. S. 521. See 19 HARV. L. REV. 300. And even where the contrary is held, a strong argument might be made for the constitutionality of an increased sentence for the same crime on appeal or on a new trial. The statute in question seems a most sensible one, for it discourages frivolous appeals without forbidding meritorious ones, and it partially remedies the defect in our system of criminal law of denying to the prosecution a right of appeal.

DANGEROUS PREMISES — LIABILITY TO TRESPASSERS — INJURY BY VICIOUS ANIMAL. — The plaintiff, while walking across the defendant's field, was injured by the defendant's horse, which the defendant knew to be vicious. The public had been accustomed to use the field as a short cut, but the defendant had at times objected. The defendant had given no notice of the animal's vicious character. *Held*, that the plaintiff can recover. *Lowery* v. *Walker*, 55 Sol. J. 62 (Eng., H. L., Nov. 9, 1910).

American courts have held the owner of a vicious animal liable in such cases on the theory that even an admitted trespass by the plaintiff was no defense. *Marble* v. *Ross*, 124 Mass. 44; *Loomis* v. *Terry*, 17 Wend. (N. Y.) 497. As to the condition of the premises ordinarily, the landowner owes the trespasser no duty. *Lary* v. *Cleveland, etc. Ry. Co.*, 78 Ind. 323. He must warn the licensee, however, of hidden dangers of which he knows. See *Maenner* v. *Carroll*, 46 Md. 193. The line between the licensee and the merely technical trespasser is often very shadowy. It may not be unreasonable, therefore, to hold the landowner to the duty of giving notice of danger. But the further consideration of expediency arises, — how far the landowner shall be restricted in the